



PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	08/765,695
	Filing Date	July 25, 1997
	First Named Inventor	Lars Abrahmsen
	Art Unit	1644
	Examiner Name	R. B. Schwadron
Total Number of Pages in This Submission	Attorney Docket Number	HO-P01525US0

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard Check in the amount of \$60.00 Transmittal Letter
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	David L. Fox		
Date	January 27, 2005	Reg. No.	40,612

Transmittal

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Dated: January 27, 2005

Signature:

(Ronnie Webb)



Application No. (if known): 08/765,695

Attorney Docket No.: HO-P01525US0

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Amendment in Response to Non-Final Office Action (3 pages)
Petition for Extension of Time (1 page)
Check in the amount of \$60.00
Power of Attorney
Statement By Assignee to Establish Ownership (37 CFR 3.73(b))
Postcard
Original Drawings (7 pages)
Copy of Office Action dated 11/17/2004 (5 pages)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/765,695	07/25/1997	LARS ABRAHMSSEN	A96335US	6468

7590 11/17/2004

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EXAMINER

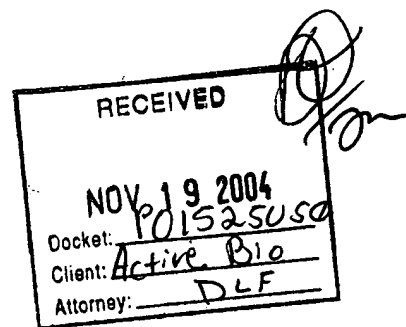
SCHWADRON, RONALD B

ART UNIT PAPER NUMBER

1644

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

JAN 27 2005

Application No.

08/765,695

Examiner

Ron Schwadron, Ph.D.

Applicant(s)

ABRAHMSEN ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36 and 70 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 and 70 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. (see PTO 948 mailed 8/16/99)
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Claims 36 and 70 are under consideration.
2. The rejection of claims 36,58-63,65-68 under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the claimed method that uses the D227A mutant, does not reasonably provide enablement for the method that uses combinations of the amino acid substitutions recited in the claims or amino acid substitutions other than D227A for the reasons elaborated in the previous Office Action is withdrawn in view of the amended claim 36 and the canceling of claims 58-63,65-68.
3. The information disclosure statement filed 8/24/2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of the following reasons.
37 CFR 1.98(b) states:
(b) (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.

The IDS filed 8/24/2004 lacks inventor names for the cited documents.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. *Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).*

4. The references cited in the IDS of 4/13/99 are not in the IFW copy of the instant application. It suggested that applicant resubmit copies of said reference. The IDS is already of record, so do not submit another copy of said IDS.

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5. This application is in condition for allowance except for the following formal matters.

A) The drawings filed on 1/10/97 are acceptable subject to correction of the informalities indicated on "Notice of Draftsperson's Patent Drawing Review," PTO-948 mailed with the Office Action of 8/16/99. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

B) The abstract of the disclosure is objected to because it needs to be on a separate page and does not disclose the claimed invention (eg. the SEA D227A mutant recited in the claims). Correction is required. See MPEP § 608.01(b).

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

6. Claims 36 and 70 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ron Schwadron, Ph.D. whose telephone number is 571 272-0851. The examiner can normally be reached on Monday-Thursday 7:30-6:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571 272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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RONALD B. SCHWADRON

PRIMARY EXAMINER

GROUP 1800-1600

Ron Schwadron, Ph.D.

Primary Examiner

Art Unit 1644